

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8

9
10 UNITED STATES OF AMERICA,

No. CR 08-0730 WHA

11 Plaintiff,

12 v.

13 MORIS FLORES, *et al.*

14 Defendants.
15 _____/

**ORDER DENYING WITHOUT
PREJUDICE SFPD'S MOTION TO
QUASH SUBPOENA SERVED BY
DEFENDANT MORIS FLORES**

16 The SFPD's motion to quash defendant Moris Flores' subpoena for certain records
17 relating to the 2005 Brian Marquez homicide is **DENIED WITHOUT PREJUDICE** to an amended
18 motion supported by sworn declaration.

19 The SFPD will have until **NOON ON MONDAY, MAY 9** to either produce the subpoenaed
20 records or file an amended motion. The sworn declaration accompanying any amended motion
21 must provide adequate detail for the Court to independently assess any claims made in the
22 amended motion — conclusory statements will not suffice. The declaration must also
23 specifically address the SFPD's claims that: (1) the "SFPD has reviewed the Brian Marquez
24 Homicide file and determined that it contains no exculpatory information relative to defendant
25 herein Flores in the pending case"; (2) the subpoena would "intrude[] upon third party rights of
26 privacy"; (3) the requested records are part of "an ongoing, open, unsolved Homicide Detail
27 case"; and (4) release of the requested records "would compromise and damage [the SFPD's]
28 ability to complete its investigation and solve the case" (Dkt. No. 4122 at 8).

1 If the SFPD files an amended motion, the motion will be heard on **WEDNESDAY, MAY 11**
2 **AT 1 P.M.** in Courtroom 4 on the 17th Floor. Counsel for the SFPD — Attorney Ronnie Wagner
3 — must be present.

4 Defendant Flores' response to the SFPD's original motion to quash will be deemed to be
5 responsive to any amended motion by the SFPD (Dkt. No. 4144). If defendant Flores wishes to
6 submit any additional material, he must do so by **5 P.M. ON TUESDAY, MAY 10.**

7
8 **IT IS SO ORDERED.**

9
10 Dated: May 4, 2011.



11 WILLIAM ALSUP
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28